

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed May 23, 2005. Claims 1-4 were rejected. Claim 1 has been amended to address the concerns raised by the Examiner. Claims 5-38 have been cancelled. Claims 39-51 were added. Claims 1-4 and 39-51 remain pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4 (including independent claim 1) were rejected under 35 U.S.C. § 103 as being unpatentable over Lancaster (U.S. Patent Application Publication 2001/0027456 in view of Moore (U.S. Patent Application Publication 2002/0145615), and alternately Lancaster in view of Kang et al (U.S. Patent 6,266,068).

Without admitting the cited references are appropriate to combine, Applicant has amended claim 1 to distinguish over the cited art. In particular, claim 1 has been amended to include the limitation that the step of generating a feature layer is performed “using feature layer data that is configured to be modified independently and stored separately from the stored terrain data.” No new matter is added by this amendment, as this limitation is discussed in the specification (e.g., pg. 7, lines 4-6, lines 21-23).

In contrast to claim 1, Lancaster is focused on combining layer data into a single database (para. 8, lines 5-9) in the form of a standard VRML file (para 12, lines 1-4) and fails to teach *independent modification or storage of layer data*. Moore teaches combining a foreground and background image, requiring two-dimensional pixel by pixel coordination of the layers (para 8-9), and thus also fails to teach *independent modification of layer data*. Kang teaches combining layers having multiple views of a given object (col. 3, lines 54-56). These views are combined to form pixel by pixel correspondences between the layers (col. 4, line 64 - col. 5, line 8). Accordingly, Kang also fails to teach *independent modification of layer data*. Hence, none of the cited references teach or suggest the limitation of *using feature layer data that is modified independently and stored separately from the stored terrain data* as claimed in amended claim 1. Hence, Applicant respectfully submits that claim 1 is allowable for at least this reason.

Claims 2-3, dependent from amended claim 1, being narrower in scope are therefore allowable for at least the reasons for which independent claim 1 is allowable.

New Claims

New claims 39-44, dependent from claim 1, have been added, and are allowable for at least the reasons stated above.

New claim 45 has been added. Claim 45 is similar to originally presented claim 1, with the added step of *defining a run-time response rule for the terrain layer and a different run-time response rule for the feature layer*. No new matter is added by this claim, as this limitation is discussed in the specification (e.g., pg. 6, line 29 – pg. 7, line 2).

As none of the cited references teach this limitation, claim 45 is allowable for at least this reason. As new claims 46-47 depend from claim 45, they are similarly allowable.

New claim 48 has been added. Claim 48 contains the limitations of both amended claim 1 and claim 45, and hence is allowable for at least the above reasons. Claims 49-51 depend from claim 48 and therefore are similarly allowable.

CONCLUSION

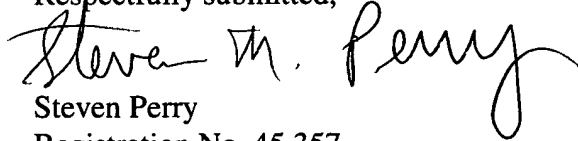
In light of the above, Applicant respectfully submits that pending claims 1-4 and 39-51 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is requested to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

13 claims were added (including 2 independent claims) while 24 claims (including 4 independent claims) were cancelled, leaving 17 claims (including 3 independent claims) pending. As 38 claims (including 5 independent claims) were previously paid for, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 23rd day of August, 2005.

Respectfully submitted,

A handwritten signature in black ink that reads "Steven M. Perry". The signature is fluid and cursive, with the first name "Steven" and last name "Perry" clearly legible, and "M." as a middle initial.

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